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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SLOCUM ENTERPRISES, INC.
and D. BARCLAY SLOCUM
TRUST AGREEMENT

Case No. 05-04982 JL

Plaintiffs,

**STIPULATION AND ORDER
EXTENDING TIME FOR PLAINTIFFS TO
RESPOND TO DEFENDANT'S MOTION
TO DISMISS OR, ALTERNATIVELY, TO
STAY PROCEEDINGS**

VS.

NEW GENERATION DEVICES

Defendant.

**STIPULATION AND ORDER
EXTENDING TIME FOR PLAINTIFFS TO
RESPOND TO DEFENDANT'S MOTION
TO DISMISS OR, ALTERNATIVELY, TO
STAY PROCEEDINGS**

IT IS HEREBY STIPULATED and agreed by and between counsel for the parties herein that the time for plaintiffs to respond to Defendant's Motion to Dismiss or, Alternatively, to Stay Proceedings is extended from May 10, 2006 until May 16, 2006. Defendant's attorney Michael R. Friscia agreed to this stipulation in a telephone conversation on May 8, 2006 with plaintiffs' attorney David P. Cooper.

The parties are involved in three pending patent lawsuits, including this one, with each involving the same issues concerning plaintiffs' patent for a veterinary surgical implant called a TPLO plate and defendant's accused TPLO plate. The parties

are presently in settlement negotiations, and have to extend pertinent deadlines in each of the lawsuits.

One of the other lawsuits is an appeal by defendant to the U.S. Court of Appeals for the Federal Circuit from the judgment of dismissal by the U.S. District Court for the District of New Jersey for lack of personal jurisdiction over plaintiffs (the defendants in that lawsuit). The Federal Circuit has already granted the parties' stipulated requests to extend the time for defendant to file appellant's brief and for plaintiffs to file appellees' brief.

The other lawsuit is defendant’s declaratory judgment action for invalidity and noninfringement of plaintiffs’ patent before the U.S. District Court for the Southern District of New York. In that case, the Court approved the parties’ Joint Stipulation and Order Extending Time to Answer and scheduled a case management conference. Following that conference, the parties are conducting jurisdictional discovery as a result of plaintiffs’ (again, as the defendants in that lawsuit) motion to dismiss for lack of personal jurisdiction.

KOLISCH HARTWELL, P.C.

David P. Cooper

PRIC Attorneys for Plaintiffs

Dated: May 9, 2006

SO ORDERED: May 12, 2000

Hon. Marilyn H. Patel, U.S.

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